

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA SHASHA AND VIVIENNE PERO,
CO-TRUSTEES OF THE VIOLET SHUKER
SHASHA TRUST, LAURENCE ADLER AND
SHIRLEY ADLER, TRUSTEES OF THE ADLER
FAMILY TRUST, MYRNA JOY EDELMAN,
TRUSTEE OF THE 2006 GILBERT M.
EDELMAN INTER VIVOS TRUST, THE
EMPIRE STATE LIQUIDITY FUND LLC,
MARY JANE FALES, MELVYN H. HALPER,
PHYLLIS J. HALPER, AND WENDY TAMIS,

Petitioners,

-against-

PETER L. MALKIN, ANTHONY E. MALKIN,
THOMAS N. KELTNER, JR, AND ESRT MH
HOLDINGS, LLC,

Respondents.

ANALISA TORRES, District Judge:

Petitioners Virginia Shasha and Vivienne Pero, Co-Trustees of the Violet Shuker Shasha Trust, Laurence Adler and Shirley Adler, Trustees of the Adler Family Trust, Myrna Joy Edelman, Trustee of the 2006 Gilbert M. Edelman Inter Vivos Trust, Empire State Liquidity Fund, LLC, Mary Jane Fales, Melvyn H. Halper, Phyllis J. Halper, and Wendy S. Tamis bring this proceeding under the Federal Arbitration Act, 9 U.S.C. §§ 9–10, to confirm a final arbitration award (the “Award”) issued by the American Arbitration Association, resolving a dispute between them and Respondents, Peter L. Malkin, Anthony E. Malkin, Thomas N. Keltner, Jr., and ESRT MH Holdings LLC. Pet. at 1, ECF No. 1.

In an order dated September 27, 2021, the Court entered judgment confirming the Award in a related proceeding between the same parties. *See* Order at 13–14, No. 20 Civ. 9874, ECF No. 62. The Court further ruled on the parties’ requests for post-Award, pre-judgment interest, post-judgment interest, attorneys’ fees, and costs. *Id.* Because the Court has already ruled on the relief requested by

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DOC #: _____
DATE FILED: 9/27/2021

ORDER

Petitioners in the instant proceeding, the matter is moot. *In re Kurtzman*, 194 F.3d 54, 58 (2d Cir. 1999) (finding that a case is moot “when it is impossible for the court to grant any effectual relief . . . to a prevailing party” (citation and emphasis omitted)). The Court, accordingly, lacks subject matter jurisdiction and must dismiss the case. *Fox v. Bd. of Trs. of the State Univ. of New York*, 42 F.3d 135, 140 (2d Cir. 1998).

Accordingly, the petition to confirm the Award is DISMISSED as moot. The Clerk of Court is directed to terminate all pending motions and to close the case.

SO ORDERED.

Dated: September 27, 2021
New York, New York



ANALISA TORRES
United States District Judge